

EXHIBIT A

Case No. 19-3232



August 16, 2019

By Email

United States Secret Service
Attn: Communications Center (FOIA/PA)
245 Murray Lane
Building T-5
Washington, D.C. 20223
Email: FOIA@uss.s.dhs.gov

Via eFOIPA Portal

Federal Bureau of Investigation
Attn: FOI/PA Request
Record/Information Dissemination Section
170 Marcel Drive
Winchester, VA 22602-4843
Email: foipaquestions@ic.fbi.gov

Re: FOIA Request for Agency Records – *With Expedited Processing*

To Whom It May Concern:

Pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. § 552, The Protect Democracy Project (“Protect Democracy”) requests that your agency produce within 20 business days the following records concerning threats of violence and other unlawful activity by white supremacist and other hate groups at President Trump’s political campaign events. We ask that you search for records from all components of the U.S. Secret Service and the Federal Bureau of Investigation that may be reasonably likely to produce responsive results. The time period for all requests is January 2016 to present.

1. Documents concerning explicit or implicit threats of violence made or posed by any white supremacist group or hate group in connection with any event hosted by Donald J. Trump for President (including the president’s initial and reelection campaigns, hereinafter collectively referred to as the “Trump Campaign”).
2. Documents indicating that your agency (or any other agency of the federal government) has identified white supremacist groups or hate groups, generally or specifically, as posing a threat of violence or other unlawful activity at events hosted by the Trump Campaign.

3. Documents indicating that your agency (or any other agency of the federal government) has identified individuals who hold white supremacist or white nationalist views as posing a threat of violence or other unlawful activity at events hosted by the Trump Campaign.
4. Communications or other documents exchanged with state or local law enforcement agencies concerning explicit or implicit threats of violence made or posed by any white supremacist group or hate group in connection with any event hosted by the Trump Campaign.
5. Documents concerning the arrest and/or prosecution of any member of any white supremacist group or hate group in connection with violence, harassment, threats, or intimidation at any event hosted by the Trump Campaign.
6. Documents indicating that any member of any white supremacist group or hate group has been barred or otherwise prevented from attending any event hosted by the Trump Campaign.
7. Documents indicating or reflecting any advice or instructions given to Trump Campaign personnel concerning the incitement or encouragement of violence at Trump Campaign events.

For purposes of these requests, “white supremacist group” means any social group or similar organization that self-identifies as “white supremacist” or “white nationalist” and/or whose primary purpose includes promoting the belief that white persons are inherently superior to persons of other races or that white persons should live and govern themselves separately from other races.¹ “Hate group” means any social group or similar organization whose primary purpose is to promote animosity, hostility, and malice against persons belonging to a race, religion, disability, sexual orientation, or ethnicity/national origin which differs from that of the members of the organization.² Such groups may include, but are not limited to, the Proud Boys, the Fraternal Order of Alt-Knights, the Rise Above Movement, the Traditionalist Worker Party, Identity Evropa, and the Klu Klux Klan.

With respect to the form of production, *see* 5 U.S.C. § 552(a)(3)(B), Protect Democracy requests that responsive electronic records be provided electronically in their native file format, if possible. Alternatively, we request that the records be provided electronically in a text-searchable, static image format (PDF), in the best image quality in the agency’s possession, and that the records be provided in separate, Bates-stamped files.

¹ *See, e.g.,* FBI News, *Domestic Threat: White Supremacy Extremism* (May 22, 2012), <https://www.fbi.gov/news/stories/domestic-threat>.

² *See* FBI/CJIS, *Hate Crime Data Collection Guidelines and Training Manual, Version 2.0* (Feb. 27, 2015), <https://ucr.fbi.gov/hate-crime-data-collection-guidelines-and-training-manual.pdf/view>.

EXPEDITED PROCESSING REQUEST

We request that you expedite the processing of this request pursuant to 5 U.S.C. § 552(a)(6)(E), 6 C.F.R. § 5.5(e) [DHS], and 28 C.F.R. § 16.5(e) [DOJ]. This request meets the criteria for expedited processing because there is “[a]n urgency to inform the public about an actual or alleged federal government activity” and the request is “made by a person who is primarily engaged in disseminating information.” 6 C.F.R. § 5.5(e)(1)(ii); 28 C.F.R. § 16.5(e)(1)(ii).

Protect Democracy intends to disseminate the information obtained in response to this request. As the District Court for the District of Columbia “easily” determined in litigation regarding a separate FOIA request, “Protect Democracy satisfied these standards” of being “primarily engaged in disseminating information.” *Protect Democracy Project, Inc. v. U.S. Dep’t of Def.*, 263 F. Supp. 3d 293, 298 (D.D.C. 2017). Indeed, Protect Democracy has routinely demonstrated the ability to disseminate information about its FOIA requests to a wide audience.³ Protect Democracy will disseminate information and analysis about this request – and any information obtained in response – through our website (protectdemocracy.org); our Twitter feed (@protctdemocracy), which has more than 14,000 followers; our email list of approximately 25,000 people; and by sharing information with other members of the press.

Moreover, these records are urgently needed to inform the public about actual or alleged government activity. *See* 5 U.S.C. § 552(a)(6)(E)(v)(II). Specifically, the requested records relate to threats of violence and other unlawful activity by white supremacist and other hate groups at President Trump’s political campaign events, and the government’s knowledge and understanding of, and response to, such threats. Just this summer, FBI leadership acknowledged the ongoing threat posed by these groups and the individuals who share their ideologies.⁴ And there are numerous reports of actual or threatened activity by these groups at Trump Campaign events throughout the country.⁵

³ *See, e.g.*, Lisa Rein, *Watchdog Group, Citing “Integrity of Civil Service,” Sues Trump to Find Out if Feds Are Being Bullied*, Wash. Post (Apr. 27, 2017), <https://www.washingtonpost.com/news/powerpost/wp/2017/04/27/watchdog-group-citing-integrity-of-civil-service-sues-trump-to-find-out-if-feds-are-being-bullied/>; Ben Berwick, *Going to Court for Civil Servants*, Take Care (April 28, 2017), <https://takecareblog.com/blog/going-to-court-for-civil-servants>; Charlie Savage, *Watchdog Group Sues Trump Administration, Seeking Legal Rationale Behind Syria Strike*, N.Y. Times (May 8, 2017), <https://nytimes/2pX82OV>; Justin Florence, *What’s the Legal Basis for the Syria Strikes? The Administration Must Acknowledge Limits on its Power to Start a War*, Lawfare (May 8, 2017), <https://www.lawfareblog.com/whats-legal-basis-syria-strikes-administration-must-acknowledge-limits-its-power-start-war>; Allison Murphy, *Ten Questions for a New FBI Director*, Take Care (June 6, 2017), <https://takecareblog.com/blog/ten-questions-for-a-new-fbi-director>.

⁴ Michael C. McGarrity & Calvin A. Shivers, *Confronting White Supremacy*, Statement Before the House Oversight and Reform Committee, Subcommittee on Civil Rights and Civil Liberties (June 4, 2019), <https://www.fbi.gov/news/testimony/confronting-white-supremacy>.

⁵ *See, e.g.*, Will Sommer & Kelly Weill, *Proud Boys to Beef Up Presence at Trump 2020 Events*, Daily Beast (June 20, 2019), <https://www.thedailybeast.com/proud-boys-pledge-to-up-their-presence-at-trumps-2020-events>; Amanda Sakuma, *Hate Crimes Reportedly Jumped by 226 Percent in Counties that Hosted Trump Campaign Rallies*, Vox (Mar. 24, 2019), <https://www.vox.com/2019/3/24/18279807/trump-hate-crimes-study-white-nationalism>; Janet Reitman, *U.S. Law Enforcement Failed to See the Threat of White Nationalism. Now They Don’t Know How to Stop It.*, New York Times (Nov. 3, 2018), <https://www.nytimes.com/2018/11/03/magazine/FBI-charlottesville-white-nationalism-far-right.html>.

It is therefore incumbent upon the government and urgent for your agencies to share any responsive records in an expedited fashion so that Americans can assess how the government is responding to threats of racially-motivated violence during the active and ongoing 2020 presidential campaign. These disclosures are necessary to inform the public about its safety in an arena of political speech vital to our democracy.

Under penalty of perjury, I hereby affirm that the foregoing is true and correct to the best of my knowledge and belief. *See* 5 U.S.C. § 552(a)(6)(E)(vi).

FEE WAIVER

FOIA provides that any fees associated with a request are waived if “disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester.” 5 U.S.C. § 552(a)(4)(A)(iii). The core mission of The Protect Democracy Project, a 501(c)(3) organization, is to inform public understanding on operations and activities of the government. That mission includes the gathering and dissemination of information, like that sought here, that is likely to contribute significantly to the public understanding of executive branch operations and activities. Protect Democracy has no commercial interests.

In addition to satisfying the requirements for a waiver of fees associated with the search and processing of records, Protect Democracy is entitled to a waiver of all fees except “reasonable standard charges for document duplication.” 5 U.S.C. § 552(a)(4)(A)(ii)(II). Federal law mandates that fees be limited to document duplication costs for any requester that qualifies as a representative of the news media. *Id.* Protect Democracy meets the statutory and regulatory definitions of a “representative of the news media” because it is an “entity that gathers information of potential interest to a segment of the public, uses its editorial skills to turn the raw materials into a distinct work, and distributes that work to an audience.” *See* 5 U.S.C. § 552(a)(4)(A)(ii)(III); *see also Nat’l Sec. Archive v. DOD*, 880 F.2d 1381, 1387 (D.C. Cir. 1989) (finding that an organization that gathers information, exercises editorial discretion in selecting and organizing documents, “devises indices and finding aids,” and “distributes the resulting work to the public” is a “representative of the news media” for purposes of the FOIA). Protect Democracy will disseminate information and analysis about this request – and any information obtained in response – through our website, where we maintain a dedicated page for information obtained through FOIA requests (<https://protectdemocracy.org/tag/foia/>) and where we direct members of the public to particularly significant documents obtained as a result of those requests. We will also disseminate information through our email newsletter and Twitter feed.

Thus, Protect Democracy operates in the tradition of 501(c)(3) good government organizations that qualify under FOIA as “news media organizations.” *See, e.g., Cause of Action v. IRS*, 125 F. Supp. 3d 145 (D.C. Cir. 2015); *Elec. Privacy Info. Ctr. v. Dep’t of Def.*, 241 F. Supp. 2d 5, 10–15 (D.D.C. 2003) (finding non-profit public interest group that disseminated an electronic newsletter and published books was a “representative of the news media” for purposes of the FOIA); *Nat’l Sec. Archive*, 880 F.2d at 1387; *Judicial Watch, Inc. v. DOJ*, 133 F. Supp. 2d 52, 53–54 (D.D.C. 2000) (finding Judicial Watch, self-described as a “public interest law firm,”

to be a news media requester). Like those organizations, the purpose of Protect Democracy is to “gather information of potential interest to a segment of the public, use its editorial skills to turn the raw materials into distinct work, and distribute that work to an audience.” *Nat’l Sec. Archive v. Dep’t of Defense*, 880 F.2d 1381, 1387 (D.C. Cir. 1989). And, as mentioned above, a federal court has found that Protect Democracy is “primarily engaged in disseminating information.” *Protect Democracy Project, Inc. v. U.S. Dep’t of Def.*, 263 F. Supp. 3d 293, 298 (D.D.C. 2017). Accordingly, we are entitled to a fee waiver.

RESPONSIVE RECORDS

We ask that all types of records and all record systems be searched to discover records responsive to our request. We seek records in all media and formats. This includes, but is not limited to: agendas, manifests, calendars, schedules, notes, and any prepared documentation for meetings, calls, teleconferences, or other discussions responsive to our request; voicemails; e-mails; e-mail attachments; talking points; faxes; training documents and guides; tables of contents and contents of binders; documents pertaining to instruction and coordination of couriers; and any other materials. However, you need not produce press clippings and news articles that are unaccompanied by any commentary (e.g., an email forwarding a news article with no additional commentary in the email thread).

We also ask that you search all systems of records, including electronic and paper, in use at your agency, as well as files or emails in the personal custody of your employees, such as personal email accounts, as required by FOIA and to the extent that they are reasonably likely to contain responsive records. Protect Democracy would prefer records in electronic format, saved as PDF documents, and transmitted via email or CD-ROM.

If you make a determination that any responsive record, or any segment within a record, is exempt from disclosure, we ask that you provide an index of those records at the time you transmit all other responsive records. In the index, please include a description of the record and the reason for exclusion with respect to each individual exempt record or exempt portion of a record, as provided by *Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973), cert. denied, 415 U.S. 977 (1974). When you deem a portion of a record exempt, we ask that the remainder of the record to be provided, as required by 5 U.S.C. § 552(b).

Given the 20-day statutory deadline, we hope to be as helpful as possible in clarifying or answering questions about our request. Please contact the undersigned at genevieve.nadeau@protectdemocracy.org or (202) 579-4582 if you require any additional information. Thank you in advance for your cooperation.

Sincerely,



Genevieve Nadeau
Counsel, The Protect Democracy Project